# NORTH CAROLINA JUCICIAL COLLEGE

# Report of the Crime Lab Working Group

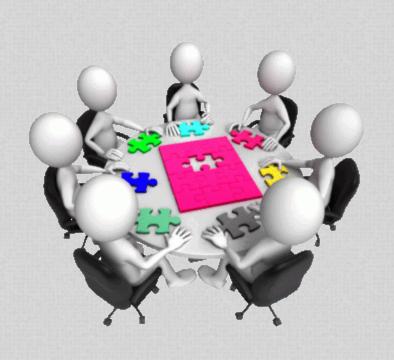
**Jessica Smith** 

W.R. Kenan Jr., Distinguished Professor



### 14 members

- Superior court judges
- District court judges
- Prosecutors
- Crime Lab
- NC Conference of District Attorneys
- Indigent Defense Services





Why?



# Goal

# Goal





# Goal



### Schedule

June 2014: Working Group formed

Summer 2014: Work begins

October 2014: Report produced

# Report

17 recommendations

# Report

17 recommendations



# Report

- 17 recommendations
- Sample Memorandum of Agreement

NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE COUNTY SUPERIOR AND DISTRICT COURT DIVIS

#### Memorandum of Agreement To Establish Procedures Relating to Testimony By State Crime Lab Analysts

WHEREAS because of budget constraints and other issues the State Crin (State Crime Lab) is experiencing a significant forensic testing backlog;

AND WHEREAS the backlog is exacerbated by the time State Crime Lab required to spend away from the State Crime Lab traveling to and from court, wai

AND WHEREAS the backlog is exacerbated when resolved cases are not removed from the State Crime Lab's testing docket and by breakdowns in comme the State Crime Lab regarding the need for analysts' presence in court;

AND WHEREAS the undersigned are of the opinion that there are adminis practices that will help to reduce State Crime Lab backlog.

THEREFORE the undersigned Senior Resident Superior Court Judge, Ch Court Judge and District Attorney for Judicial District \_\_\_\_ agree to support the pr

Senior Resident Superior Court Judge





Better communication







Better communication

Courtroom procedures







Better communication

Courtroom procedures

Administrative changes







Better communication



#### **Recommendation 12:**

When the DAs office has requested testing in a case that has been resolved, the prosecutor must, as soon as possible but within 5 days from the end of the appeal period, submit a stop work order in the Lab's FA System

Better communication



#### **Recommendation 13:**

When a case for which a Lab analyst has been subpoenaed is resolved before trial or is continued, the prosecutor must release the analyst from subpoena through the Lab's FA System.

Courtroom procedures



#### **Recommendation 6:**

When the district court judge will be holding criminal court for all or most of the week, the judge should consider recessing the case until later in the week if doing so will make efficient use of the expert's time.

Courtroom procedures



#### **Recommendation 10:**

When an analyst appears for court, the judge should be immediately notified so that he/she can decide whether to exercise discretion to take the witness out of order.

Administrative changes



#### **Recommendation 14:**

Every proposed testing order involving the State Crime Lab must be served on the Lab and the moving side must certify to the court that the Lab has no objection to the proposed order or if it does, that those objections are presented to the court.

#### Where are we?

- Report presented October 20, 2014
- Some judicial districts have adopted
- Others are close to doing so
- Still others are working on it

